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Coffee Correctional Facility

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U.S. DISTRICT COURT  
BROOKLYN DIV.

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CLERK C. Robinson

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT OF GA.  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT of GEORGIA

RUSSELL VICKERY  
GDC #1001592280

5:18-cv-98

(Enter above full name of plaintiff or plaintiffs)

v.

GUY AUGUSTIN

Doctor, et al

DEBORAH STEWART, Director of Coffee

SHARON LEWIS, Director of GDC

(Enter above full name of defendant or defendants)

I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? Yes  No

If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: N/A

Defendants:

2. Court (if federal court, name the district; if state court, name the county):

 

3. Docket number:

4. Name of judge assigned to case:

Disposition

(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: \_\_\_\_\_
7. Approximate date of disposition: \_\_\_\_\_
8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)?  
Yes \_\_\_\_\_ No \_\_\_\_\_

- B. While incarcerated or detained in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

2. Court (name the district): \_\_\_\_\_

3. Docket number: \_\_\_\_\_

4. Name of judge assigned to case: \_\_\_\_\_

5. Disposition

(for example, was the case dismissed? appealed? is it still pending?):  
\_\_\_\_\_

6. Approximate date of filing lawsuit: \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_
8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes  No

C. As to any lawsuit filed in federal court where you were allowed to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes  No

1. If your answer to C is yes, name the court and docket number for each case:
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

II. Place of present confinement: Coffee Correctional Facility

- A. Is there a prisoner grievance procedure in this institution? Yes  No
- B. Did you present the facts relating to your complaint to the appropriate grievance committee? Yes  No
- C. If your answer to B is yes:

1. What steps did you take? On 4-4-2018, Petitioner filed a grievance complaint of medical issues. That grievance was denied.  
Petitioner filed an appeal to for that denial on 4-27-2018 to Utilization management  
and that appeal was denied on 11-8-18
2. What was the result? Grievance Appeal was denied by Dr. Sheron Lewis, Medical director of CDC. Petitioner received this denial on 11-8-18
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes  No

If yes, what was the result? See # 2, see also

Appeal # 263511, Appeal denied by  
Office of Health Services, 14th Region  
Management

- D. If you did not utilize the prison grievance procedure, explain why not:

N/A

### III. Parties

(In Item A below, list your name as plaintiff and current address. Provide the name and address of any additional plaintiffs on an attached sheet.)

- A. Name of plaintiff: RUSSELL VICKERY #1001592280  
Address: Coffey Corrections 4-A  
1153 N. Liberty St.  
Nichols Ga, 31534

(In Item B below, list the defendant's full name, position, place of employment, and current address. Provide the same information for any additional defendants in Item C below.)

- B. Name of defendant: Guy Augustin  
Position: Doctor  
Place of employment: Coffey Correctional Facility  
Current address: 1153 N. Liberty St.  
Nichols Ga 31534

- C. Additional defendants: Deborah Stewart, Medical Director  
of Coffey Corrections  
Sharon Lewis, Medical Director  
of G.D.C

## FACTS

On or about 9-30-15, shortly after petitioner arrived at Coffee Correctional, during a routine medical exam to all new arrivals, petitioner informed medical staff he had Hepatitis C and had been diagnosed by outside doctors, (Health Dept). The Health Dept. explained to petitioner that his viral load was, "off the charts", and he "needed treatment as soon as possible", to which medical staff told petitioner that they did treat Chronic HCV here at the prison and he would be treated.

On a later unknown date within weeks of petitioner's arrival here

Petitioner was evaluated by Dr. Augustin and others, (medical staff at GDC), to be treated.

Petitioner has been diagnosed with Chronic HCV and complained each visit of stomach pains and/or liver pains that are constant and at times very painful to which Dr. Augustin refused to refer petitioner to a specialist, (gastroenterologist), to diagnose and/or recommend treatment.

After numerous attempts to see a specialist and numerous conversations with Dr. Augustin about treatment, petitioner finally ask "Why wont you treat me? Does the medicine cost too much?"

Dr. Augustin replied hopefully, "You should have sought treatment before you got locked up! You had a job didn't you!? You had insurance didn't you!?" Petitioner then immediately started the Grievance procedure.

During petitioners stay here at Coffee Correctional Facility he has already experienced new and additional medical complications, (heart complications), to which he was hospitalized, (Intensive care), and petitioner believes these complications to stem from the untreated HCV.

GDC Policy only allows treatment

for patients in advanced stages of this infectious disease. GDC only monitors progression.

These practices not only expose all inmates to a substantial risk of contracting this disease but refusing treatment endangers the public as well once the offender is released.

Mere observation and "monitoring" of HCV patients with no medical treatment is medically inappropriate, falls below the standard of care, and risk the health of the individual with HCV. Delay in treatment can cause

damage to other vital organs as well.

It is a systematic disease that, if untreated, can cause heart attacks, unnecessary pain and suffering, permanent damage to internal organs, and premature death.

Petitioner hereby claims that GDC Policy and procedure toward treatment of his chronic HCV caused a deliberate indifference to his serious medical need and has violated his 8<sup>th</sup> and 14<sup>th</sup> Amendment rights, (Inadequate medical care, Cruel and unusual punishment, and equal protection.), pursuant to ADA and additional opinions verifying this Disability.

## PRAYER FOR RELIEF

Federal Courts have recognized new DAA's as a "Game Changer" with regard to price and treatment of HCV. (See CDC, ASLD, and IDDA HEV Guidance.)

WHEREFORE, plaintiff/petitioner respectfully prays that this court enter judgment granting petitioner:

- 1) A declaration that the acts and omissions described herein violated petitioner's rights under the Constitution and laws of the United States.
- 2) A preliminary injunction ordering

defendants to start treating petitioners HCV with the new fast acting DAAs immediately to prevent any further unnecessary pain and suffering or irreversible damage to his internal organs caused from this disease.

3) A permanent injunction ordering defendants to treat everyone who is diagnosed or will be diagnosed within GDC with HCV who has 8 to 12 weeks left on their sentence to prevent any further suffering, complications and/or irreversible damage, death and specifically to prevent the spread of this infectious disease within GDC

and to the public once the offenders are released.

- 4) Petitioner's cost in this suit and;
- 5) Any additional relief this court deems just, proper and equitable.

The Plaintiff, (Petitioner herein), has no plain, adequate or complete remedy at law to redress the wrongs described herein. Petitioner has been and will continue to be irreparably injured by the policy and procedure and conduct of the defendants unless

this court grants the declaratory  
and injunctive relief which petitioner  
seeks.

### VERIFICATION

I, Russell Vickery, hereby declare under  
penalty of perjury that the foregoing is true  
and correct to the best of my direct knowledge,  
understanding and belief. S/Russell Vickery

This 18<sup>th</sup> day of December 2018

Prepared by  
S/Russell Vickery  
Russell Vickery

Respectfully Submitted  
Petitioner,  
RUSSELL VICKERY  
GDC# 1001592280  
Coffee Corrections  
1153 N. Liberty St.  
Athens Ga, 31554

Certificate of Service

This is to certify that I have this day served a true and correct copy of the listed documents upon the party(s) listed below through the United States mail through the institutional legal mail system.

Addressed to:

Office of the Clerk  
U.S. District Court  
Southern District of Georgia  
P.O. Box 1636  
Brunswick, Ga. 31521

Documents included:

- 1) Filed Complaint
- 2) Amended Complaint
- 3) Show Cause Order
- 4) Summons
- 5) Order to proceed

This 25<sup>th</sup> day of March 2019.

S/ Russell Vickery  
Russell Vickery  
Attorney In-Fact

Respectfully Submitted,  
Petitioner,  
RUSSELL VICKERY  
GDC#1001592280  
Coffee Corrections 4-Q-1  
P.O. Box 650  
Nicholls, Ga. 31554